



Entered on Docket
November 25, 2009

A handwritten signature in black ink, appearing to read "R. B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

ORDER SUSTAINING AMENDED FIRST OMNIBUS OBJECTION OF USACM TRUST TO PROOFS OF CLAIM BASED UPON INVESTMENT IN THE ARAPAHOE LAND INVESTMENTS, LP LOAN

Hearing Date: November 13, 2009

Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the Amended First Omnibus Objection Of USACM
2 Trust To Proofs Of Claim Based Upon Investment In The Arapahoe Land Investments, LP
3 Loan (Amended To Correct Exhibit) [DE 7567] (the “Objection”); the Court having heard
4 the Objection on October 19, 2009; appropriate notice of the Objection having been given;
5 no response to the Objection having been filed; and good cause appearing:

6 **IT IS ORDERED:**

7 1. The Objection [DE 7567] is sustained; and
8 2. The claims listed on **Exhibit A** attached are disallowed to the extent they are
9 based upon an investment in the Arapahoe Land Investments LP Loan, which is also
10 commonly known as the Clear Creek Plantation Loan.

11 PREPARED AND RESPECTFULLY SUBMITTED BY:

12 **LEWIS AND ROCA LLP**

13 By /s/ John Hinderaker (018024)
14 Rob Charles
15 John Hinderaker (*pro hac vice*)

16 *Attorneys for USACM Liquidating Trust*

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1 In accordance with Local Rule 9021, the undersigned certifies:

- 2 The Court waived the requirements of LR 9021.
- 3 No parties appeared or filed written objections, and there is no trustee appointed
4 in this case.
- 5 I have delivered a copy of this proposed order to all counsel who appeared at the
6 hearing, any unrepresented parties who appeared at the hearing, and any trustee
7 appointed in this case, and each has approved or disapproved the order, or failed
 to respond, as indicated below (list each party and whether the party has
 approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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15 Submitted by:

16 **LEWIS AND ROCA LLP**

18 By: /s/ JH (#018024)

19 Rob Charles
John Hinderaker (*pro hac vice*)
20 Attorneys for USACM Liquidating Trust

USACM

**Clear Creek Plantation
Single Loan Claims**

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Clear Creek Plantation Loan
10725-01811	EASTLAND, THOMAS	172 BELLE AVE PLEASANT HILL CA 94523	50,000	50,000